DETAILED ACTION

1. This is responsive the original application. Claims 1-31 are pending and herein examined. Claims 1, 17, 21, 23, 28-31 are independent.

Specification

2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. **The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph.**

Examples of some unclear, inexact or verbose terms used in the specification are:

See the long section on Claim Rejections - 35 USC § 112 below because some of the same confusing claim language are in the specification

For example: as stated below,

"Claim 5: not clear what "a right to acquire or exchange information related to the information received and retransmitted" means or how this is implemented.
The same language in the specification should be changed to avoid confusion."

Please use idiomatic English (e.g. "due to relay" in the abstract is confusing). Please delete repetitive and/or unnecessary intended use or desired result phrases which only add to confusion. Also terms such as "information substance" are unclear, inexact.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claim 30:

The claimed invention is directed to non-statutory subject matter.

Based on Supreme Court precedent (See *Diamond v. Diehr,* 450 U.S. 175, 184 (1981); *Parker* v. *Flook,* 437 U.S. 584, 588 n.9 (1978); *Gottschalk v.Benson,* 409 U.S. *63,* 70 (1972); *Cochrane* v. *Deener,* 94 U.S. 780,787-88 (1876)) and recent Federal Circuit decisions, a 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. If neither of these requirements is met by the claim, the method is not a patent eligible process under section 101.

Here Claim 30 fails to meet the above requirements because the steps are neither tied to another statutory class of invention (such as a particular apparatus) nor physically transform underlying subject matter (such as an article or materials) to a different state or thing.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 2-6, 8-20, 23-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

*****Note: In their response, Applicants are strongly urged to point to specific support in the specification to avoid potential issues of clarity, lack of support or enablement. Explanatory remarks will be most welcome.**

Claim 2: "indicating that the reward point is provided" should be "indicating that the reward point is to be provided" since in claim 1 the points are provided at the terminal. It is so interpreted. In other words, claim 2 is interpreted similar to claim 3,

i.e.

"wherein the terminal receives point information indicating ~~that~~ a method of providing the reward point, and based on the point information, manages compilation of the reward point."

Claim 3: is unclear. Please correct as follows:
"wherein the terminal receives point information indicating ~~that~~ a method of providing the reward point, and based on the point information, manages compilation of the reward point."

Claim 4: not clear what "content of the information to present" means. Interpreted as terminal user acquires some benefits to discounted or free information services, the content of which depends on the reward points accumulated.

Claim 5: not clear what "a right to acquire or exchange information related to the information received and retransmitted" means or how this is implemented.

The same language in the specification should be changed to avoid confusion.

Claim 5 is interpreted, as in claim 4, that terminal user acquires some benefits to (discounted or free) information services, the content or extent or amount of which is based on the amount of reward points accumulated.

At a minimum the following correction is required:
wherein the terminal obtains a right to acquire or exchange information ~~related to the information received and retransmitted~~ corresponding to the amount of the reward point compiled and managed.

Claim 6 is incomprehensible.
Interpreted as information comes in to terminal with some relay history to which terminal adds another piece of relay history, (e.g. the terminal id). This combined information is now the "new info". Correction is required. The same correction should be made to similar language in the specification.

Claims 8, 9 (dependent on claim 7): Relay history information lacks antecedent basis. Relay history information is interpreted as the same as transmission control information in 7.

Claim 9: is incomprehensible.
"to transmit the information": which information? as many pieces of information have been mentioned earlier: coupon information? or server transfer control information? or any other?
"that compiles the information": which information?
Correction with pointing to specific support in the specification is required.

Claim 9 is interpreted as a limit is set for the number of transmissions allowed per terminal (i.e. server transfer control information) and when it is reached, the user device sends the number of transmissions made to a server (information compiling server).

Claim 8 last 2 lines : " indicative… limitation number…" is unclear. Interpreted as number of times information has been relayed.

Claim 10 " line 4: the server is not clear: which one? The information compiling server?

Claim 11 (dependent on claim 7): the relay control information lacks antecedent basis. relay control information is interpreted same as transmission control information in 7.

Claims 9, 11-15 : scope is unclear when in a system claim, method limitations are mixed with apparatus elements. e.g. ""server that compiles", "transmission controller transmits". See MPEP § 2173.05(p)(II).

Claims 14-16 are hopelessly confusing.

Claim 14: "based on the information received" : which information is this? this phrase can be found only in this claim and does not seem to mean anything; "the information" also lacks clear antecedent basis.

Claim 15: not clear what "compiled information' means. The compiled reward points? "based on the information received for the collection information" is only found in this claim and the scope and meaning is unclear.

Claim 16 (dependent on claim 15): the provision information lacks antecedent basis.

Between the 3 claims, the interpretation of claims 14-16 is impossible even in light of the specification as the specification is also very confusing due to lack of idiomatic English.

******No application of prior art to claims 14-16**

Thus substantial guesswork is involved in determining the scope of the claim and substantial confusion is involved as to the interpretation of the claim. Thus any prior art rejection would be based on unsupported speculative assumptions, calling for no prior art application under In Re Steele, 134 USPQ 292 .

Appropriate corrections required to clarify the claims. As stated above, in their response, Applicants are strongly urged to point to specific support in the specification to avoid potential issues of clarity, lack of support or enablement. Explanatory remarks will be most welcome.

Claim 17: unclear if all the managers are software. Please clarify pointing to specific support in the specification. Managers are herein interpreted now as software.

Claims 18-20, dependents of 17, are rejected due to the dependency.

Claim 19: "a value of the reward point provided" is unclear since the claimed **information distribution server does not have any structure to provide the points.** The structure responsible for **providing the points should be claimed.**

Claim 23: is confusing. It's not clear how "a control information manager that stores control information to retransmit received information for information relay for retransmitting the received information" is different from

"a control information manager that stores control information for an information relay terminal that retransmits received information to retransmit the received information".

If the 2 structures are the same, deletion of one is required.

Claims 24-27, dependent of 23, are rejected due to the dependency.

6. Claim Interpretation: NON-FUNCTIONAL DESCRIPTIVE MATERIAL and Statements of intended use or desired result.

Data is non-functional descriptive material to which little if any patentable weight is given if the function of the system is neither enhanced or nor diminished if the data is removed or replaced.

In a apparatus claim, statements of intended use or desired result, with no structure to implement the result is not given patentable weight.

Claim 17:

the "information substance" and the "reward point" information are NON-FUNCTIONAL DESCRIPTIVE MATERIAL At best those 2 pieces of information are just stored, combined (the generator says nothing about what it actually does, could be as simple as combining with no regard to content) and transmitted by the various devices.

Thus claim 17 is interpreted as :

An information distribution server comprising: an information manager that stores information A;

a control information manager that stores information B;

an information generator that generates information from the information A and the information B, to transmit;

and an information transmitter that transmits the information generated to the information relay terminal.

due to the following strike-throughs and replacements :

17. An information distribution server comprising: an information manager that stores information A ~~information substance~~ ;
a control information manager that stores ~~control~~ information B ~~indicating that a reward point is provided for an information relay terminal receiving and retransmitting the information;~~ an information generator that generates information to transmit from the information A ~~substance~~ and the ~~control~~ information B; and an information transmitter that transmits the information generated to the information relay terminal.

Claim 18:
"method information" is not put to any use, so it is NON-FUNCTIONAL DESCRIPTIVE MATERIAL . If by method information, Applicant wants to claim that a computer program is being sent, that is not claimed.

Thus claim 18 becomes:

18. The information distribution server according to claim 17, wherein information B is provided with information C ~~indicating a method of providing the reward point for an information relay terminal receiving and retransmitting the information~~.

Claim 19: is all about a statement of desired result;
with no structure to implement the result, the statement is not given patentable weight. The specific structure responsible for providing the result should be claimed.

Claim 20:

even if the command is software, as far as the structure is concerned, nothing is lost or gained by changing that command to anything else, the transmitter still transmits a bunch of bits. So "command" is NON-FUNCTIONAL DESCRIPTIVE MATERIAL.

Thus claim 20 becomes

20. The information distribution server according to claim 17, wherein the information A is information C ~~substance is a command for instructing the information relay terminal to provide specific information~~.

Independent Claim 29:

A method of distributing information, comprising: storing information substance; storing control information indicating that a reward point is provided for an information relay terminal receiving and retransmitting the information; generating information to transmit from the information substance and the control information; and transmitting the information generated to the information relay terminal.

Like claim 17, claim 29 boils down to

storing information A; storing information B; generating information C from information A and information B to transmit ; and transmitting information C to the information relay terminal.

Claims 23-24:

Likewise claims 23-24 become:

23. A control information transmitting server comprising:

a control information manager that stores ~~control~~ information A ~~to retransmit received information for information relay for retransmitting the received information;~~

and a control information manager that stores ~~control~~ information B ~~for an information relay terminal that retransmits received information to retransmit the received information;~~

a control information transmitter that transmits the ~~control~~ information to an information relay terminal.

24. The control information transmitting server according to claim 23, wherein the ~~control~~ information A includes information C ~~either a relay waiting time to elapse between receiving and retransmitting the information, moving distance or the number of moving steps, or the number of relay times indicative of the limitation number of times the same information is retransmitted.~~

Claim 25:
server transfer control information is NON-FUNCTIONAL DESCRIPTIVE MATERIAL

while
for the information relay terminal to transmit the received information to an information compiling server that compiles the information is intended use statement with no structure in the control information transmitting server to support the result.

Likewise, claim 25 becomes:

25. The control information transmitting server according to claim 23, wherein the ~~control~~ information A includes information C ~~server transfer control information for the~~

~~information relay terminal to transmit the received information to an information compiling server that compiles the information~~.

and claim 26 becomes:

26. The control information transmitting server according to claim 25, wherein information C includes information D ~~server transfer control information includes either the number of relay times the information has been relayed, the number of information relay terminals that have relayed the information, a relay expiration date until which the relay is available, or a server transfer expiration date until which the information is capable of being transferred to the server.~~

Independent claim 31:

31. A method of transmitting control information, comprising: storing control information to retransmit received information (for an information relay for retransmitting the received information); and transmitting the control information to an information relay terminal.

Likewise, this claim becomes:

31. A method of transmitting control information, comprising: storing information A; and transmitting information A to an information relay terminal.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8a. Claims 1-8, 11, 21-22, 28, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen, US 7308254 in view of JP 2002083213 A to YAMASHITA, ICHIRO (herein YAMASHITA) and Rowe, US 6852031.

(Note: YAMASHITA is supplied by IDS, a machine translation is herein used and provided with this Office Action).

Claim 1:

Rissanen discloses terminal to terminal wireless transmission of data (coupon data) (abstract; Figure 2, col. 6 lines 16-28; col. 3 lines 45-57; Figures 8-11) via many kinds of networks (Figures 8-11), the user terminal possibly being any type of digital device including phones and PDA's (col. 4 lines 62-67). The coupon data can also be sent from a server (Figure 3 item 200) to a terminal (Figure 1, step 110 and associated text; col. 3 lines 33-35).

Thus Rissanen discloses

An information relay terminal (e.g. Figures 2, 9, 10) comprising:

an information receiver (e.g. Figure 9 item 330, 340: IR transceivers or Fig 10, bluetooth transceivers on wireless terminals) that receives information transmitted from an information distribution server (Figure 1 item 100, or Fig. 3 item 200 and associated text; col. 3 lines 22-23) (that distributes the information), or from another information relay terminal (abstract; Fig. 3, arrow between items 280, 281and associated text; Figure 8, col. 6 lines 16-28; col. 3 lines 45-57; Figures 9-11);

and an information transmitter (e.g. Figure 9 item 330, 340: IR transceivers or Fig 10, bluetooth transceivers on wireless terminals) that retransmits the information received;

Rissanen does not disclose rewards points for receiving and retransmitting the coupon information.

However, YAMASHITA (machine translation attached) discloses rewards to each of a number of users to encourage transmitting information (coupons) over the internet. Remuneration is based on some formula (see e.g. [0018]). Limits on number of transmissions is disclosed ([0018]).

Relevant excerpt of YAMASHITA:

A seller server imparts an introducer ID to a customer A who purchased a commodity on a sale Web page, and an electronic coupon 400 containing the introducer ID as primary introducer is sent to the customer A to ask for an advertisement. The customer A, who received it hands it to an acquaintance or the like. When a customer B who has received the coupon 400 purchases a commodity over the sale Web page, an introduction reward is added up to ***the introducer (customer A) registered in the coupon 400****, and* ***a new coupon 42 with the introducer ID of the customer B added to the primary introducer*** *is handed to the customer B. When a customer B purchases a commodity through the use of the coupon 402,* ***the reward for introduction is distributed***

and added up to the customer B as primary introducer and the customer A as secondary introducer.

Thus it would have been obvious to a person having ordinary skill in the art at the time the invention was made (herein a "PHOSITA") to add to the Rissanen's system and method of transmitting coupon data, YAMASHITA's reward scheme to encourage propagation of coupons as taught by YAMASHITA.

Neither Rissanen nor YAMASHITA teaches that the points are managed at the terminal by a point manager that adds and manages compilation of the reward point.

However loyalty points calculated and stored on user portable terminals are known at invention time (in addition of Rowe, discussed herein, see some references cited in the conclusion part).

For example, Rowe teaches loyalty points earned and stored on smart cards (col. 3 lines 10-19) or portable devices with smart cards (col. 15 lines 38-45) for portabilily and easy redemption at many venues (e.g. Fig. 3 and associated text ; col. 3 lines 9-19; col. 19 line 58 to col. 20 line 22). The points can be stored and managed at the user device (see excerpt below).

Relevant excerpt of Rowe (col. 20 lines 8-22):

An advantage of the smart card is that player points and cash awards obtained at multiple venues (e.g. casinos, restaurants, stores, bingo parlors, race tracks, bars, etc.) may be tracked using a player tracking application and a voucher application, as described above, executing on the smart card. Player points may be accumulated through the purchase of bingo cards, pull tabs, keno game play, casino game play, food, gifts and beverages, etc. ***The smart card accumulates and manages these points*** *for the player whereby* ***the points can be redeemed for cash and prizes as the necessary points are obtained.*** *Thus, the smart card may be easily moved from one venue to the next where loyalty points for the smart card use can be*

accumulated and redeemed. Further, cash totals resident on the smart card may be used as well at each of the venues.

(Note: Rowe also discloses the functions of the smart card can be done with other wireless devices such as a PDA (col. 16 lines 14-21) thereby suggesting points compilation on PDA's as well.)

Thus Rowe discloses the claimed "point manager that adds a reward point and that manages compilation of the reward point" on a portable user terminal.

Thus it would have been obvious to a PHOSITA, in a rewards for data (e.g. coupon) transmission scheme as taught by YAMASHITA, to retrofit the Rissanen's user terminal with point management functions ("point manager") as taught by Rowe to allow calculating and storing loyalty or reward points earned on the terminal as taught by Rowe.

Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. Thus per the *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc., Federal Register / Vol. 72, No. 195 / Wednesday, October 10,2007Notices,http://www.uspto.gov/web/offices/com/sol/notices/72fr57526.pdf (herein "Guidelines"),* the combination is obvious.

On the retrofitted terminal taught by the combination of Rissanen, YAMASHITA and Rowe, each element, the point compiling element (taught by Rowe) and the coupon forwarding element (taught by Rissanen) merely would have performed the same function as it did separately, and a PHOSITA would have recognized that the result of the combination was predictable, thus the combination is obvious.

Thus the combination of Rissanen, YAMASHITA and Rowe discloses claim 1:

An information relay terminal comprising:

an information receiver that receives information transmitted from an information distribution server that distributes the information or another information relay terminal;

an information transmitter that retransmits the information received; and

a point manager that adds a reward point (for receiving and retransmitting the information) and that manages compilation of the reward point.

Claims 2-3:

The combination of Rissanen,YAMASHITA and Rowe discloses the terminal of claim 1 and YAMASHITA further discloses:

" wherein the terminal receives point information indicating ~~that~~ a method of providing the reward point, and based on the point information, manages compilation of the reward point." ([0018] : limit on numbers of introductions; [0021]: fractional rate read on such method of providing point information).

Thus it would have been obvious to a PHOSITA to add such point information as taught by YAMASHITA to allow giving rewards per some rules established by the promoter.

Independent claim 28:

As seen from the discussion above, the combination of Rissanen,YAMASHITA and Rowe also discloses:

A method of relaying information, comprising: receiving information transmitted from an information distribution server that distributes the information or another information relay terminal; retransmitting the information received; and adding a reward point for receiving and retransmitting the information, and managing compilation of the reward point.

Independent Claim 30:

As seen from the discussion above, the combination of Rissanen,YAMASHITA and Rowe also discloses:

A method of compiling information, comprising: receiving information provided with relay history information describing an information relay terminal that has relayed the information received (See excerpt of YAMASHITA above; e.g. Id of A and Id of B added to coupon data); adding a reward point (for the information relay terminal described in the relay history information added to the information received; and compiling and managing the reward point

Claims 4-5:

The combination of Rissanen,YAMASHITA and Rowe discloses the terminal of claim 1 and claims 4-5 are interpreted as terminal user acquires some benefits to (discounted or free) information services, the content or extent or amount of which is based on the amount of reward points accumulated.

Rowe discloses points redeemable for services (excerpt above). Benefits as information services is a matter of design or economics. If it is found that information services are valued, a few identified and predictable solutions to encouraging transmission by users would be to give such services as free or discounted.

The Supreme Court in KSR recently explained that an invention could potentially be obvious if it was obvious to try, where there exists a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions. In this circumstance the Court explained that a person of ordinary skill would have good reason to pursue the known options within his or her technical grasp, and that if this pursuit leads to the anticipated success it was likely the product of ordinary skill and common sense - not an act of innovation. See Guidelines. Thus adding such incentives to the combination of Rissanen,YAMASHITA and Rowe is predictable and obvious.

Claim 6:

is interpreted as information comes in to terminal with some relay history to which terminal adds another piece of relay history, (e.g. the terminal id). This combined information is now the "new information"

The combination of Rissanen,YAMASHITA and Rowe discloses the terminal of claim 1 and YAMASHITA discloses ID of user A added to coupon data sent to user B where ID of user B is added (see excerpt above). Thus it would have been obvious to a PHOSITA to add such teaching of YAMASHITA to the combination to allow tracking of introducers and keep track of rewards due as taught by Y.

Claims 7-8:

The combination of Rissanen, YAMASHITA and Rowe discloses the terminal of claim 1 and Rissanen discloses coupon data includes control information restricting whether or not, or how many retransmissions of the coupon is allowed (col. 4 lines 10-12:"***forwardability and multiplyability***")

> Relevant excerpt of Rissanen (col. 4 lines 8-17):
>
> *A coupon would include the discount/benefit information (e.g. which specific product, and which product family and in what combination, etc.),* ***the forwardability and multiplyability information (that is, whether the electronic coupon could be forwarded to one or more other wireless terminals),*** *the validity time period, the usage time period (e.g., during office hours, etc.). The textual and visual/audio representation of the coupon may be forwarded together or separately from the coupon service server, the coupons being identified by their coupon ID number*

Thus Rissanen discloses claims 7-8 i.e. Rissanen discloses:

software ("transmission control information manager") that manages ***forwardability and multiplyability information(i.e.*** "transmission control information"); and
software (i.e. "a transmission controller that controls the information transmitter") " to cause the user device (via "the information transmitter") to retransmit the coupon (information) received based on the transmission control information.

wherein the transmission control information (or relay history information) includes a limit on the number of times the same information is retransmitted ***(forwardability and multiplyability information reads on such information)***.

Claim 11:

The combination of Rissanen,YAMASHITA and Rowe discloses the terminal of claim 7 but does not disclose the terminal receives the relay control information from a control information transmitting server separately from the information (interpreted as coupon information).

Rissanen discloses control information and coupon information together, not separately. However, separating data is well-known. (e.g. Rissanen teaches coupons image and text can be sent together or separately (see excerpt below).

> Relevant excerpt of Rissanen (col. 4 lines 8-17):
> *A coupon would include the discount/benefit information (e.g. which specific product, and which product family and in what combination, etc.), the forwardability and multiplyability information (that is, whether the electronic coupon could be forwarded to one or more other wireless terminals), the validity time period, the usage time period (e.g., during office hours, etc.).* ***The textual and visual/audio representation of the coupon may be forwarded together or separately from the coupon service server****, the coupons being identified by their coupon ID number*

Thus it would have been obvious to a PHOSITA to apply the data separating teaching of Rissanen to send the relay control information separately from the coupon data, if the system so requires, and add such to the system of Rissanen,YAMASHITA and Rowe to get the claimed invention.

Those in the art would have recognized that applying the data separating teaching of Rissanen to the coupon data and relay control information of Rissanen,YAMASHITA and Rowe would have yielded the claimed improvement and was predictable. Thus the combination is obvious. See Guidelines.

(Note : Here , if the relay control information is not same as the transmission control information of claim 7 then the relay control information is non-functional descriptive material as it is not acted upon and thus not given patentable weight.)

Independent claim 21:

As discussed above, the combination of Rissanen, YAMASHITA and Rowe discloses:

A method and system of relaying information, comprising: receiving information transmitted from an information distribution server or from another information relay terminal; retransmitting the information received; and adding a reward point for the transmission and managing compilation of the reward point at the user terminal.

The claimed **information compiling server for** managing compilation of the reward point has not been discussed so far.

As to it, Rowe discloses user smart cards or portable devices with smart cards can transfer or access data to or from a central server by wired or wireless networks (col. 15 lines

38-45) including Internet (col. 15 lines 8-10). The central server includes an accounting and player tracking server (col. 4 lines 42-47) . Thus Rowe suggests that the players points (e.g. col. 4 lines 29-30) can be tracked at the central server as an alternative to being tracked on the smart card.

Thus it would have been obvious to a PHOSITA, in the system of Rissanen, YAMASHITA and Rowe , to substitute compiling rewards at the server, as taught by Rowe, to compiling at the user terminal, if the system so requires, because they are alternatives or complementary as taught by Rowe. Further this would have been a predictable combination of old elements, that have been held obvious. See Guidelines, cited above.

Thus the combination of the combination of Rissanen, YAMASHITA and Rowe with compilation and storage of points discloses claim 21:

An **information compiling server** comprising: an information receiver that receives information provided with relay history information describing an information relay terminal that has relayed the information received; an information interpreter that adds a reward point for the information relay terminal described in the relay history information added to the information received; and a personal information storage that compiles and manages the reward point.

Claim 22:

The combination of Rissanen, YAMASHITA and Rowe discloses the information compiling server according to claim 21, but does not discloses wherein a value of the reward point provided to the information relay terminal differs with a kind of information relay terminal as a transmission destination or a kind of transmission path on which the information is received and transmitted.

However, how the value of the reward is set is an economic decision. At least, per the Guidelines, rationale F, these design incentives or market forces, such as for example the costs

of the transmission paths would have prompted change to the base system taught by the combination of Rissanen, YAMASHITA and Rowe. The difference between the claimed invention and the prior art and the implementation would have been predictable thus the claimed combination is obvious.

8b. Claims 9-10, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen, YAMASHITA and Rowe as applied to claims 7 or 11 and further in view of Sakata US 2002/0138347.

Claims 9-10:

As best understood, Claims 9-10 are interpreted as a limit is set for the number of transmissions allowed per terminal (i.e. server transfer control information being the number of relay times the information has been relayed) and when it is reached, the user device sends the total number or tally of transmissions made to a server (information compiling server).

The combination of Rissanen,YAMASHITA and Rowe discloses the terminal of claim 7 and even though Rissanen teaches a limit on number of transmissions (***"forwardability and multiplyability information" suggest such limit)***, Rissanen does not explicitly teach the terminal reporting to the server information that the number of transmissions allowed has been reached.

However, Sakata, in ad distribution scheme from billboards to users, teaches, for each ad transmission, specifically identifying the ad, the transmission source, and counting the number of transmissions for that ad (see. e.g. Fig 8, item 50: encrypted history of transmissions collected].

Counters for counting such transmissions can be located both at the transmission source ([0097]: the source being the billboard RFID; Fig 10 d) and at the server (Fig 9, items 42, 44; [0091]; [0095]). Sakata teaches counting at both ends to avoid mistakes in totaling [0097].

However, counting only at the relay terminal (2nd embodiment: [0066]; [0069]; Fig 10 c) or only at the server (3rd embodiment: [0091]) is possible as well.

Sakata billboard RFID is interpreted as a relay terminal.

Thus it would have been obvious to a PHOSITA to add to Rissanen,YAMASHITA and Rowe coupon transmission system, Sakata's teaching of counting the total of transmissions for each ad, at the server, to track whether the number of allowed transmissions as taught by Rissanen has been reached.

(Note: Sakata also discloses rewards for relaying terminals, see [0086]; [0087]).

Claims 12-13:

As best understood, Claims 12-13 are interpreted as a limit is set for the number of transmissions allowed per terminal and when it is reached, the terminal transmits the number of transmissions made by the terminal to a server (called the control information transmitting server).

The combination of Rissanen, YAMASHITA and Rowe discloses the terminal of claim 11 and as discussed in Claims 9-10 above, Rissanen teaches a limit on number of transmissions by the terminals.

The combination of Rissanen, YAMASHITA and Rowe does not teach the terminal reporting to the server information that the number of transmissions allowed has been reached.

However, this limitation is the same as that of Claims 9-10. As discussed in Claims 9-10, Sakata, in ad distribution scheme from billboards to users, teaches, for each ad

transmission, specifically identifying the ad, the transmission source, and counting the number of transmissions for that ad (sec. e.g. Fig 8, item 50: encrypted history of transmissions collected].

Counters for counting such transmissions can be located both at the transmission source ([0097]: the source being the billboard RFID; Fig 10 d) and at the server (Fig 9, items 42, 44; [0091]; [0095]). Sakata teaches counting at both ends to avoid mistakes in totaling [0097]. However, counting only at the relay terminal (2nd embodiment: [0066]; [0069]; Fig 10 c) or only at the server (3rd embodiment: [0091]) is possible as well.

Sakata billboard RFID is interpreted as a relay terminal.

Thus it would have been obvious to a PHOSITA to add to Rissanen,YAMASHITA and Rowe coupon transmission system, Sakata's teaching of counting the total of transmissions for each ad, at the server, to track whether the number of allowed transmissions as taught by Rissanen has been reached.

Further, the "information on a transmission amount of the information received or transmitted" in claim 12 and "the information on the transmission amount of the information" in claim 13 sent by the terminal to the server is <u>non-functional descriptive material</u> as the data is not acted upon and does not change the terminal in any way. It is obvious the terminal can send any data to any server.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 17-20, 29 and 23-26, 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Rissanen.

Claims 17-18, 20:

As discussed above, claims 17-18, 20 become:

17. An information distribution server comprising: an information manager that stores information A

a control information manager (i.e. software) that stores information B;

an information generator (i.e. software) that generates information from information A and information B to transmit;

and an information transmitter that transmits the information generated to the information relay terminal.

18. The information distribution server according to claim 17, wherein information B is provided with information C.

20. The information distribution server according to claim 17, the information A is information C.

Rissanen's coupon server (Figure 3 item 200) has software and/or databases that stores all kinds of information (e.g. coupons and data pertaining to it, e.g. text, image, coupon ID) see excerpt above) (which reads on informations A and B which can also be called information C), and as server, can combine any kind of information for its transmitter to transmit to the information relay terminal.

Thus Rissanen discloses claims 17-18, and 20.

Claim 19:

As stated above, this claim is all about desired result, with no structure to implement the result, i.e. to provide a reward point or to change the point value. Thus the statement is given little patentable weight if any.

Thus it is interpreted that claim 19 becomes:

The information distribution server according to claim 18, ~~wherein a value of the reward point provided to the information relay terminal differs with a kind of information relay terminal as a transmission destination or a kind of transmission path on which the information is received and transmitted.~~

Rissanen discloses claim 18, thus also discloses 19.

(Note: there is an alternative interpretation of claim 19, see alternate rejection of claims 17-20 below).

Independent Claim 29:

Like claim 17, claim 29 boils down to
storing information A; storing information B; generating information C from information A and information B to transmit ; and transmitting information C to the information relay terminal.

Thus the server of Rissanen discloses claim 29.

Claims 23-26:

They were interpreted as:

23. A (control information transmitting) server comprising:
a (control information) manager that stores ~~control~~ information A
and a (control information) manager that stores ~~control~~ information B
a (control information) transmitter that transmits the ~~control~~ information A to an information relay terminal.

24. The control information transmitting server according to claim 23, wherein the control information A includes information C.

25. The control information transmitting server according to claim 23, wherein the ~~control~~ information A includes information C.

26. The control information transmitting server according to claim 25, wherein information C includes information D.

Rissanen's coupon server (Figure 3 item 200) has software or databases that stores all kinds of information (e.g. coupons and their data) (which reads on informations A and B which

can also be called information C or D), and as server, can combine any kinds of information for its transmitter to transmit to the information relay terminal. Thus Rissanen discloses claims 23-26.

Independent claim 31:

31. A method of transmitting control information, comprising: storing control information to retransmit received information (for an information relay for retransmitting the received information); and transmitting the control information to an information relay terminal.

As stated above, this claim boils down to:

31. A method of transmitting control information, comprising: storing information A; and transmitting information A to an information relay terminal.

Claim 31 seems to parallel claim 23 in method format thus is rejected in the same manner.

Claim Rejections - 35 USC § 103

11a. The text of this section of Title 35, U.S. Code can be found above.

11b. **Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen, US 7308254 as applied to claim 23 and further in view of Sakata US 2002/0138347.**

Claim 27:

As discussed above, Rissanen discloses the (control information transmitting) server of claim 23.

Further " *the server receives information on a transmission amount from the information relay terminal, and based on the information on the transmission amount received, changes the control information to transmit to an information relay terminal"* is interpreted as the server setting maximum number of transmissions that a relay terminal can have so that when the relay notifies the server that the maximum has been reached the server instructs the relay to stop transmission.

Rissanen discloses how many retransmissions of the coupon is allowed (col. 4 lines 10-12 : ***"forwardability and multiplyability information (that is, whether the electronic coupon could be forwarded to one or more other wireless terminals)"*** reads on such control information)

Rissanen does not teach the terminal sending the server information that the maximum number of transmissions allowed has been reached whereupon the server instructs the relay to stop transmission.

However, Sakata, in ad distribution scheme from billboards to users, teaches , for each ad transmission, specifically identifying the ad, the transmission source, and counting the number of transmissions for that ad (see. e.g. Fig 8, item 50: encrypted history of transmissions collected].

Counters for counting such transmissions can be located both at the transmission source ([0097]: the source being the billboard RFID; Fig 10 d) and at the server (Fig 9, items 42, 44; [0091]; [0095]). Sakata teaches counting at both ends to avoid mistakes in totaling [0097]. However, counting only at the relay terminal (2nd embodiment: [0066]; [0069]; Fig 10 c) or only at the server (3rd embodiment: [0091]) is possible as well.

Sakata billboard RFID is interpreted as a relay terminal.

Thus it would have been obvious to a PHOSITA to add to Rissanen's coupon transmission system, counting the total of transmissions for each ad, at the server, to track whether the number of allowed transmissions as taught by Rissanen has been reached. Further, in an embodiment where counting is only done at the server, as in the 3rd embodiment of Sakata, it would have been obvious to a PHOSITA to have the tallying server send instructions to the relay terminal to stop transmissions to carry out Rissanen's teaching of a limit on transmissions by the relay terminal.

(Note: Sakata also discloses rewards for relaying terminals, see [0086]; [0087])

12. Alternate claims rejection of claims 17-20 and 29:

12b. Claims 17-20 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rissanen, YAMASHITA and Rowe.

12c. Claims 17-18 and method claim 29 (which, but for unclear terms, seems to parallel claim 17 in method format):

As discussed with respect to claims 1-3, the combination of Rissanen,YAMASHITA and Rowe discloses:

A method and system of relaying information, comprising: receiving information transmitted from an information distribution server that distributes the information or another information relay terminal; retransmitting the information received; and adding a reward point for receiving and retransmitting the information, and managing compilation of the reward.

Thus the combination of Rissanen,YAMASHITA and Rowe also discloses:

An information distribution server comprising:
an information manager that stores information substance (e.g., coupon data);

a control information manager that stores control information indicating that a reward point is to be provided (for an information relay terminal receiving and retransmitting the information) (YAMASHITA's reward rules read on "control information indicating that a reward point is to be provided");

an information generator that generates information to transmit from the information substance and the control information (obvious combination of the separate functions taught by Rissanen, YAMASHITA and Rowe above: the generated information is interpreted as a request to an user to transmit in exchange for rewards, such as implicitly done in YAMASHITA) ; and

an information transmitter that transmits (any server can transmit) the information generated to the information relay terminal (obvious combination of the separate functions taught by Rissanen, YAMASHITA and Rowe above);

wherein the control information is provided with information indicating a method of providing the reward point (YAMASHITA's reward rules read on such control information);

Claim 19:

The combination of Rissanen, YAMASHITA and Rowe discloses the information distribution server of claim 18, but does not disclose
wherein a value of the reward point provided to the information relay terminal differs with a kind of information relay terminal as a transmission destination or a kind of transmission path on which the information is received and transmitted.

However, how the value of the reward is set is an economic decision. At least, per the Guidelines, rationale F, these design incentives or market forces, would have prompted change to the base system taught by the combination of Rissanen, YAMASHITA and Rowe. These design incentives or market forces may be for example that higher costs of the transmission paths would justify higher rewards so to properly incent users. The difference between the claimed invention and the prior art and the implementation would have been predictable thus the claimed combination is obvious.

Claim 20:

As discussed above claim 20 contains non-functional descriptive material and thus boils down to

20. The information distribution server according to claim 17, the information A is information C.

Here information A is substance information which is interpreted above as coupon information. Since coupon data included many pieces of information (e.g. text, image, disclosed by Rissanen, see excerpt above) the combination of Rissanen, YAMASHITA and Rowe also discloses claim 20.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Propagation/ affiliates art:

Wireless:

Shioda US 20020077910 A1 discloses ad transferred wirelessly (bluetooth) from store to advertiser with store ID, from advertiser to user PDA, then to user car navigation unit, user uses store ID to navigate to store, store pays advertiser on purchase.

JP 2001-195471(supplied by IDS) discloses coupons to portable terminals.

JP 2001-216449 (supplied by IDS) discloses radio-based coupons.

General:

Bezos 6029141 discloses ad id, affiliate Id, commission ID in affiliates Url string (figs.1,4, 5-7).

Graber US 5717860 A discloses tracking the navigation path of a user from website 1 to website 2 using composite Url and corresponding websites ID's. Different bounty schemes.

Messer 7020622 and progeny disclose several level of commission, affiliates and commission ID in url (Fig 5, col. 7 and 8).

Nishi 2003/0135413 discloses tracking consumer path history when at merchant site A when referred to merchant by affiliate B. More pages viewed at merchant site A gets affiliate B more commission. If site A refers back to affiliate B, this latter pays site A some fee.

JP-2002133269 (supplied by IDS) referrals via websites, commissions.

Loyalty points on portables art:

Postrel 6594640, 6820061 discloses loyalty points on multi-function cards.

Moodie 2003/0009374 (2001) discloses points on mobile/central rewards management;

Freeman US 6450407 discloses ads and rebates to chip card with display from many transmission channels. Many user transactions, redemptions, user profiles can be stored on the card or on the network.

Toshiyuki Kawagishi US 6409080 discloses loyalty points calculated based on conditions stored on the IC card device and points stored on display IC card device.

Methlouthi, 6443362 discloses calculation of points on IC cards, IF, radio links to system.

Pearlman 2003/0233276 discloses offers to portable terminal with display Server to track distribution and redemption.

Sato 20020128907 A1 discloses a portable device user requesting an item of interest and system using social filtering technique returning related items recommended by other users.

Data transmission control:

Natsuno US 20020165773 A1 distributing color ads to portable using different relay servers because of limitations of portables.

Miller 5031098 discloses transaction control system with portable data terminal, capable of entering and for transmitting uniquely identifiable data and data messages relating to customer transactions; data messages identifiers.

Truby US 5239666, and Engel US 4646082 disclosed data transmission counters in portables.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 571-272-6721. The Examiner works a part-time schedule and can normally be reached on Tuesday-Wednesday 9:00-6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James W. Myhre can be reached on 571-272-6722. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3600. For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 09, 2008

/Khanh H. Le/
Examiner, Art Unit 3688